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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,799

10/21/2003

Martin R. Hamar

Hamar-121

3793

1218

7590

02/21/2007

CASELLA & HESPOS  
274 MADISON AVENUE  
NEW YORK, NY 10016

EXAMINER

BALI, VIKKRAM

ART UNIT

PAPER NUMBER

2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/689,799

Applicant(s)

HAMAR, MARTIN R.

Examiner

Vikram Bali

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 12,13,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/21/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augustin et al (US 5704130).

With respect to claim 1, Augustin discloses a bubble level with liquid and gas bubble, light source, a light sensor (see figure 2, 13 light source, 3 liquid, 8 gas bubble, light sensor 23). However, he fails to explicitly disclose a lens, as claimed. But, in col. 2, lines 41-45, he suggest that the light can be projected via a lens, therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to simply use the suggestion to have the lens in order to project the light on the sensor.

With respect to claim 2, he further discloses CCD light sensor, (see col. 2, lines 64-67) as claimed.

With respect to claims 3 - 5, he discloses elongate lens substantially parallel to the bubble level and is a cylindrical lens, (see col. 2, lines 41-45, wherein it states that the light can be projected using the lens, these projections are on the CCD/sensor see figure 4, numerical 21, therefore, the lens is to be of same length as the sensor, thereby making it cylindrical and elongate as the bubble level) as claimed.

Art Unit: 2624

With respect to claim 6, he further discloses light source is substantially linear light source aligned substantially parallel to bubble level, (see figure 2, 13) as claimed.

With respect to claim 7 he fails to disclose a cold cathode illuminator, but it is well known in the art to use a cold cathode illuminator (fluorescent lamp) to illuminate or to use as the light source.

3. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Augustin et al (US 5704130) in view of Wood (6568021).

With respect to claim 8, Augustin discloses the invention substantially as disclosed and as described above. However, Augustin fails to disclose the display for displaying, as claimed. Wood discloses the display for displaying, (see col. 6, lines 23-28) as claimed. It would have been obvious to one ordinary skilled in the art at the time of invention to combine the two references, as they are analogous because they are solving similar problem of bubble level. And, by adding the display will make the Augustin's level instrument greatly user friendly.

With respect to claim 9, Wood further teaches the housing, (see figure 2 numerical 10) as claimed.

With respect to claim 10, Wood further teaches the handle, (see figure 1 the person's hand is holding the handle of the level) as claimed.

With respect to claim 11, Wood further teaches the housing has the base aligned parallel to horizontal level, (see figure 1, the base and figure 3 for the level that is parallel to the surface for checking the levelness) as claimed.

Claims 14-16 are rejected for the same reasons as set forth in the rejection for the claims 1-11.

***Allowable Subject Matter***

4. Claims 12-13, 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

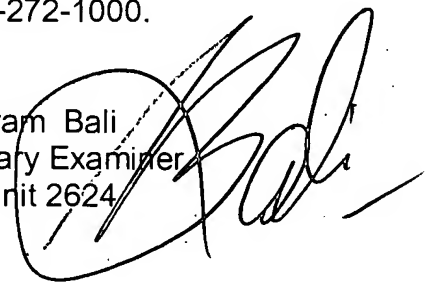
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 571.272.7415. The examiner can normally be reached on 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571.272.6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vikkram Bali  
Primary Examiner  
Art Unit 2624



vb  
February 16, 2007